

PUBLIC SAFETY DEPARTMENT[661]

Adopted and Filed

Pursuant to the authority of Iowa Code Supplement section 101B.3, the Department of Public Safety hereby adopts new Chapter 61, “Reduced Ignition Propensity Cigarettes,” Iowa Administrative Code.

Iowa Code Supplement chapter 101B, which was enacted by the Iowa General Assembly during its 2007 session, provides for cigarette fire safety standards that will restrict sales of cigarettes in Iowa to reduced ignition propensity cigarettes, also known as “fire-safe cigarettes.” Iowa Code Supplement section 101B.3 provides for the Department of Public Safety to promulgate administrative rules to implement the provisions of chapter 101B. The rules adopted herein are intended to do so.

These rules were proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on September 24, 2008, as **ARC 7180B**. A public hearing on the proposed rules was held on October 14, 2008. No comments were received on the proposed rules.

The rules adopted herein are identical to those proposed in the Notice of Intended Action, with the exception of the following changes:

Language has been added to subrule 61.4(4) stipulating that an alternate test method and performance standard may be approved by the Department if they are determined to be equivalent to the test method and performance standard found in rule 661—61.3(101B). Subrule 61.4(4) now reads as follows:

“**61.4(4)** The department may approve an alternate test method and performance standard if the alternate test method and performance standard are determined to be equivalent to the test method and performance standard prescribed in rule 661—61.3(101B). If an alternate test method and performance standard are approved pursuant to this rule, the manufacturer may employ the alternate test method and performance standard to certify the cigarette in accordance with rule 661—61.3(101B).”

Additionally, language previously found in subrule 61.13(4) has been moved to subrule 61.13(3). The language indicates that a proposed cigarette marking shall be considered approved if the Department fails to approve or disapprove of the proposed marking within ten business days of receiving a request for approval. An exception also has been moved to subrule 61.13(3). The exception indicates that a marking in use and approved in the state of New York shall be deemed approved by the Department. Subrule 61.13(3) now reads as follows:

“**61.13(3)** A manufacturer shall present its proposed marking to the department for approval using the following procedures:

“a. Requests for approval of a proposed marking shall be included in the certification submitted pursuant to rule 661—61.10(101B).

“b. Upon receipt of the request, the department shall approve or disapprove the marking offered within ten business days of receiving a request for approval. If the department fails to approve or disapprove a proposed marking within ten business days, the marking shall be deemed approved.

“EXCEPTION: A marking in use and approved for the sale of cigarettes in the state of New York shall be deemed approved.”

These rules will become effective on January 1, 2009.

These rules are intended to implement Iowa Code Supplement chapter 101B.

EDITOR’S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these rules [Ch 61] is being omitted. With the exception of the changes noted above, these rules are identical to those published under Notice as **ARC 7180B**, IAB 9/24/08.

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[For replacement pages for IAC, see IAC Supplement 11/19/08.]